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ABSTRACT

Several factors are included in judgment formation by a juror during a trial, including evaluating each piece of information received with respect to the judgment in question, weighting each piece of information according to its validity for the particular judgment and its reliability, and integrating the weighted scale values into a single judgment of guilt appearance. Another component important to consideration of deliberation effects is initial impression prior to introduction of relevant information. During jury deliberation, two types of communication take place: sharing information, important since jurors remember and process different pieces of information; and normative pressure, which is the attempt of jurors to change each other's judgment. Research has shown that jurors who initially agree on the value of evidence tend to make more extreme judgments than do jurors who have opposite valued information. Also, shifts in judgment are larger when jurors share different information with each other than when they repeat facts that the others also cite. In addition, research has shown that while variations in normative pressure may produce change in public judgment, they do not change private judgment. (TJ)

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A Model of Information Integration for Jury Deliberation

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A Model of Information Integration in Jury Deliberation

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Jury deliberation involves, quite obviously, group participation. To an Experimental Social Psychologist, though, the unit of analysis is the individual in the group, and the substantive question involves the individual's cognitive processes. While the focus of this talk is deliberation effects, our aim as psychologists is to tie together an accounting of the jurors' cognition during deliberation with other facets of the jurors' functioning--that is--with the general problem of how jurors' consider the evidence, and how nonevidential factors affect judgment.

Therefore, to satisfy our psychologists' need for describing underlying processes in individuals, the model of deliberation effects will be continuous with a general model of juror cognition.

In approaching a question, many different frameworks will often do--there are many ways to skin a cat. One model which has received widespread support in nonjudicial studies of person perception is Information Integration Theory (IIT). In this model, judgment is ultimately an outcome of an information integration process, in which several pieces of information (i.e., cognitive beliefs) about the judged object are integrated into a unitary judgment. For example, information about a defendant's motive, opportunity, and ability must be integrated into a unitary evaluation of culpability. We may differentiate a number of qualities possessed by each piece of information. For example, testimony may inform about a defendant's motive--he had an acute need for money. The need for money here refers to the content of

the information. But the information also has a scale value for the target judgment of guilt appearance. Scale value refers to the quantitative representation of the information on the judgment dimension. So, this particular motive may have a value of 8 on a guilt appearance scale of 1-10 (the numbers are arbitrary). The reduction of information pieces to their associated scale value permits the integration of contentually distinct pieces (e.g., motives and opportunities) into a single judgment. Finally, information also has weight, which refers to its importance to the judgment. Regardless of the incriminating nature of information (i.e., the scale value), some information may be more important to judgments of guilt appearance than other information.

We have already outlined the first two steps in judgment formation. First, each piece of information is evaluated with respect to the judgment in question; a scale value is assigned giving its degree of guilt appearance. Second, each piece is weighted according to its validity for the particular judgment and its reliability as well. Next, the juror must integrate the weighted scale values into a single judgment of guilt appearance. This involves the use of some algebraic function, e.g., averaging of values, and is referred to as the "cognitive algebra."

For purposes of this presentation, we'll skip prolonged discussion of the various forms of cognitive algebra and consider only averaging. Each piece of information, or more correctly, the scale values, is averaged, with each contributing to the average according to its weight or importance. Let us add another component--one which will prove important to consideration of deliberation effects--an initial impression. Initial impression refers to the scale value (e.g., for guiltiness judgment) of the impression prior

to introduction of relevant information. So, initial impression can be considered analogous to pre-judicial bias (more correctly, its scale value) and may result from pro or antidefendant bias, pretrial publicity, personal dispositions, courtroom conditions, the weather, or what-have-you. There is certainly substantial evidence that such initial impressions, whatever their source, have robust effects on verdicts (see, e.g., Kaplan & Scherscing's chapter in Lipsitt & Sales' volume, New Directions in Psychological Research).

Each juror's predeliberation judgment of defendant guiltiness will be an average of the guiltiness value of the individual pieces of evidence and of the initial impression. This means, given the relative nature of weights in an average, that the more information which is included in the judgment, or the greater the weight of the information, the less the impact of the initial impression. Now, we know that individuals can differ in their initial impression (compare authoritarians and liberals) and that for a single individual, initial impression can vary from one moment to the next (compare the effects of different pretrial publications on the same individual), but let's assume that, on the whole, initial impression is near-neutral. That is, over a range of persons, the average initial impression will be neutral, corresponding on a scale of guiltiness, to: "I don't know." This means that the more the information which is integrated, or the greater its weight, the more the judgment will shift toward the value of the information and away from the neutral initial impression. Thus, where evidence has some non-neutral value (i.e., is innocent or guilt appearing), the responses will shift towards that value.

Let us now consider what deliberation does for the individual juror's judgment. Prior to deliberation, the juror has evaluated a number of pieces

of testimony for their guiltiness appearance, assigned weights to each, and then averaged these separate guilt appearance values with their prior disposition, or initial impression, to reach a predeliberation judgment. Due to limitations in attention and in information processing capacities, not all information present during the trial may have been integrated. Moreover, due to the near neutral nature of the "average" juror's initial impression, this judgment will not be as extreme as warranted by the value of the evidence, particularly when the evidence does not assume a neutral value and when substantial portions of evidence are not integrated.

During deliberation, two general types of communications take place. First, jurors share information. They tell other jurors what pieces of evidence influenced them; they recount testimony; and, generally rehash trial events. That is, they try to influence the information upon which judgment is based. Second, they apply normative pressure directly to the judgment, attempting to change another's judgment itself by the sheer weight of their own judgment. This distinction, between communications which emphasize the information underlying judgment and those which convey the "proper" judgment, has an honored history in the social psychology of influence in group decision-making, and is at the heart of theoretical interpretations of social conformity. The first--informational influence--is a cognitive form of influence, changing our beliefs about the judged object, and therefore affecting the configuration of information providing scale values for subsequent judgment. The second--normative influence--is more motivational in nature, and directly influences our final judgment. The two types of communications are different in form (convey information about the judged person vs. convey information about the normatively preferred outcome) and in purpose (change the configuration of information vs. change the verdict) and moreover, emphasize different goals in

the recipient. The former relies for its effectiveness on a desire in the recipient to be "correct" in his/her judgment, while the latter capitalizes on avoidance of rejection by group members.

Let us return now to the individual juror; and to the effect of these two forms of communication on his/her post-deliberation judgment. The model for judgment formation is most relevant for communications promoting informational influence, that is, for information sharing among group members. Recall that the predeliberation judgment is not as extreme as the evidence in its guiltiness value due to the near-neutral initial impression. But, the juror has not integrated all possible evidence into the judgment; in fact, he/she has probably made use of but a small subset of evidence. As deliberation proceeds, information-sharing communications enlarge the total package of information effectively taken into account, thus moving the judgment away from the initial impression. If a preponderance of jurors lean initially toward a given direction (e.g., guilt), then the preponderance of information shared will be in that direction, adding to the array of such information influencing the individual's response. Thus, the often cited finding that juries move, after deliberation, in the direction of the initial (predeliberation) majority is easily accountable by informational influence; communications dominated by one particular direction of information will add to the amount of that information being used in the judgment, moving individual responses toward that end of the scale (and away from the neutral initial impression).

A series of studies in our labs have supported this analysis. In one experiment, 6 jurors communicated by passing notes to one another, each note conveying a fact in the case which they considered influential in their pre-

deliberation decision. Notes were intercepted by the experimenter, and contrived notes were substituted so that some jurors received notes similar in evidential value (i.e., either pro- or anti-defendant) to those they passed, while others received notes opposite in incrimination value. Post-communication judgments moved in the direction of the shared information, so that opposite-valued notes led to more moderate judgements than before, and similar-valued notes led to more extreme judgments. A second experiment tested the implication that shifts due to deliberation occur because effectively new information has been integrated. Jurors were passed notes either repeating the facts they had cited, or expressing facts from the trial which they had not cited as having been taken into account. Shifts in judgment were larger in the second instance than in the first. So, information-sharing during deliberation will result in a larger shift in judgment when the pool of information within the group is more varied, that is, when each juror possesses (and shares) information which is uniquely known to that juror. But how can this variety be true when all jurors have been exposed to the same evidence in the course of a trial? The answer may lie in differences in attention and memory over a long and detailed trial. In another experiment, we composed two sets of juries. In one set, all 6 jurors in a given jury heard the facts of the trial in the same order. Since we had previously demonstrated recency effects in memory for this material, we assumed that jurors hearing facts in the same order would remember best the same facts, i.e., the information pool within such juries would be homogeneous. In the other set of juries, each juror heard the facts in a different order than co-jurors. Thus, these juries would be expected to possess different memorable facts from one another, and to have a heterogeneous store of information to share. Content analysis of deliberation con-

curred with the assumptions; the heterogeneous juries showed a greater variety of facts discussed. In turn, the heterogeneous juries also showed greater shifts from pre to post deliberation judgments. So, to the extent that presentation factors enlarge the role of attention and memory of evidence, jurors will come to discussion with more divergent sets of determining information. And, to the extent this is true, sharing this nonredundant information will have a greater influence on the judgments of the individual recipient.

In the series of studies in our laboratory, post-deliberation judgments were made individually and privately (written responses after deliberation) and were greatly influenced by information shared by others. What about the other sort of communication--normative influence? In our studies, there was no evidence that normative influence was potent in changing private judgment. In one experiment, one condition involved receiving communications of evidence from jurors where the incrimination value of the evidence was diametrically opposed to the announced verdict of the communicator (e.g., a note was passed citing the fact that the defendant had threatened the victim, but the communicator was characterized as having voted for innocence). The announced verdicts of the other five jurors (in other words, the normative response) had no effect on jurors, who were affected only by the evidence shared. In another study, the number of jurors communicating facts was varied (e.g., some subjects were given statements of five different facts from but one juror, others were given one statement of fact from each of five jurors). The number of jurors communicating facts (and by implication, their verdict preference) made no difference, but the variety of the facts did matter. This suggests that variations in normative pressure (one vs. five co-jurors expressing a position) do not affect private judgment.

Does this mean that jurors are not influenced by normative pressures during deliberation. Of course not, and to prove the point we can point a gun to your heads and ask you to agree. But changes in judgments due to fears of rejection, retribution, wasting time, etc. are "changes of convenience," representing public but not private conformity. Communications emphasizing agreement with group norms do not change one's private judgment as readily as do communications which share previously unintegrated information. The former may be effective, however, in changing one's public behavior, and since public judgment is the one that counts in a vote, normative influence does have a real implication for jury deliberation. If a majority on a jury can convince a minority to vote in a certain direction, so what if it does not capture its hearts as well? You can't win 'em all.

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